

COUNTY OF YORK

MEMORANDUM

DATE: September 13, 2001 (BOS Mtg. 10/2/01)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-581-01, Susan B. Towler

ISSUE

This application requests a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a tax preparation service as a home occupation within a single-family detached dwelling located at 209 Hornsbyville Road and further identified as Assessor's Parcel No. 24G-(2)-M.

DESCRIPTION

- Property Owner: Susan B. McCaskill Towler
- Location: 209 Hornsbyville Road
- Area: 0.5 acre
- Frontage: 107 feet on Hornsbyville Road (Route 718)
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: Medium-density residential
- Zoning Classification: R20 – Medium density single-family residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family dwelling
 - East: Single-family dwelling
 - South: Single-family dwelling
 - West: Single-family dwelling
- Proposed Development: Tax preparation service as a home occupation

CONSIDERATIONS/CONCLUSIONS

1. The applicant wishes to operate a tax preparation service office with client contact in her home. Section 24.1-283(b)(1) of the Zoning Ordinance requires a special use permit for in-home professional offices with customer or client contact.
2. Section 24.1-281 of the Zoning Ordinances specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The general purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. In addition, they are intended to prevent the home occupation from changing the residential character of the home or the neighborhood. The applicant does not plan to make any changes to the outside appearance of the residence and, as with all home occupations, no signs will be permitted.
3. Pursuant to the standards listed in the Zoning Ordinance, home occupations are not permitted to occupy more than 25% of the floor area of the residence or 400 square feet, whichever is less. The applicant's home has 1,420 square feet of floor area, and she has indicated that the tax office will be limited to one 150-square foot room (10.6% of the floor area of the home). The Zoning Ordinance also limits the hours of operation to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation are Monday through Saturday 9:00 AM to 6:00 PM during tax season (January 15 through April 15) and Monday through Friday 9:00 AM to 2:00 PM during the rest of the year (April 16 through January 14). A condition to this effect has been included in the proposed approving resolution.
4. The applicant proposes to schedule no more than three client appointments per day in her home. The applicant currently leases office space and operates the business in Newport News and plans to service existing long-term accounts at home if this application is approved. In addition to the proposed home office appointments, the applicant meets with elderly clientele at their home and offers a pick-up and delivery service to commercial clients. A condition has been included in the approving resolution specifying that only one client may be served at a time. Based on three appointments per day, staff estimates that the business will generate a maximum of forty vehicle trips per week (in addition to the 70 trips per week normally estimated for a single family residence). I believe that this additional traffic can be accommodated without changing the character of the surrounding area. The applicant has stated that she does not anticipate a future increase in clientele because she is attempting to decrease her workload.
5. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the proposed tax preparation service (one space). The home has a one-car garage and a driveway measuring approximately 12 feet in width and 50 feet in length. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the driveway can accommodate up to two cars. General conditions applicable to all home occupations require that all parking demand be accommodated off the street.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on September 12, 2001 and, subsequent to conducting a public hearing at which only the applicant spoke, voted 5:0 (Mr. Semmes and Mr. Hendricks absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

The proposed home occupation is a small-scale operation and is not likely to have any adverse impacts on the surrounding area or the residential character of the neighborhood. I am confident that the proposed conditions prohibiting non-resident employees and limiting the hours of operation are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. Therefore, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R01-172. Please note that proposed condition #10 waives the two-year term limit for the proposed home occupation specified in Section 24.1-283(g) of the Zoning Ordinance. This provision was originally added to the Zoning Ordinance several years ago in conjunction with the amendment to provide opportunities for home occupations involving non-resident employees. However, because of its inadvertent positioning in the Ordinance, it would apply automatically to this application, unless otherwise noted by the Board. I do not see a need for this use permit to be limited to two (2) years given the type of use and the proposed conditions. Therefore, I recommend that proposed condition #10 be included in the approval.

JMC/3337

Attachments

- Zoning Map
- Survey Plat
- Proposed Resolution No. R01-172